



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

SEP 24 2018

Regulatory Division
SAJ-2015-01094 (SP-RLT)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Binod Basnet
Florida Department of Transportation (FDOT) District 4
3400 W. Commercial Blvd.
Ft. Lauderdale, FL 33309

Mr. Morton Rose
Palm Beach County
2300 North Jog Road
West Palm Beach, FL 33411

Gentlemen:

This letter is to notify you that the U.S. Army Corps of Engineers (Corps) is suspending Department of the Army (DA) Permit No. SAJ-2015-01094 (Permit), which was issued to you on July 20, 2017 and authorized discharge of fill material over 59.97 acres of non-tidal wetlands for the extension of State Road 7 (SR 7) from Okeechobee Boulevard north to Northlake Road. The project would result in secondary impacts to 159.96 acres of additional wetlands.

The project consists of widening the existing two lanes to a four-lane divided roadway from Okeechobee Boulevard 4.4 miles to 60th Street North and constructing a new four-lane divided section of roadway from 60th Street North to Northlake Boulevard. The project design includes the creation of stormwater management facilities within the existing right-of-way for water quality treatment and flow attenuation. The project site is located in Sections 1, 12, 13, and 24, Township 43 South, Range 41 East; Sections 19, 30, and 31, Township 42 South, Range 42 East; and Section 6, Township 43 South, Range 42 East; Palm Beach County, Florida.

On May 9, 2017, the South Florida Water Management District (SFWMD) entered a Final Order approving issuance of Environmental Resource Permit Modification Number 50-05422-P (ERP), which provided Water Quality Certification (WQC) and Coastal Zone Management Act (CZMA) consistency concurrence for the SR 7 Extension project. The DA Permit requires compliance with the conditions specified in the water quality certification.

On August 8, 2018, the Fourth District Court of Appeal of the State of Florida issued an Order reversing SFWMD's Final Order that approved the ERP, and remanded the case for a new administrative hearing on the City's petition. The Order was not final until disposition of any timely filed motion for rehearing. A motion for rehearing was filed on August 20, 2018. The Fourth District Court of Appeal denied that motion on September 4, 2018, and issued a Mandate on September 21, 2018.

Because SFWMD's Final Order has been reversed, the ERP has been rendered non-final and there is no longer a final WQC or CZMA consistency concurrence for the SR 7 Extension project. A WQC is required for the project pursuant to section 401 of the Clean Water Act, 33 U.S.C. § 1341. In addition, a certification that the proposed activity will comply with the state's coastal zone management program is required under Section 307(c) of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. §1456(c).

The Corps has considered changes in circumstances relating to the authorized activity and has determined it appropriate to suspend the DA permit pursuant to 33 C.F.R. § 325.7 until the administrative proceedings related to the SFWMD permit are resolved. The public interest in suspending the permit outweighs the extent to which the suspension could adversely affect plans, investments and actions that the permittees have reasonably made or taken in reliance on the permit.

At this time, the DA permit is suspended and you are prohibited from conducting any activities in reliance on the permit. Within ten (10) days after receiving this notice of suspension, you may request a meeting with the District Engineer or his designated representative to present information regarding this matter. The Corps will make a decision either to reinstate, modify, or revoke the DA permit pursuant to 33 C.F.R. § 325.7.

Please note the District Engineer will not modify or reinstate the DA permit until SFWMD makes a final decision regarding the petition challenging the ERP.

If you have any questions regarding the information in this letter, please feel free to contact Mr. Randy Turner by telephone at 904-232-1670 or electronic mail at randy.l.turner@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew D. Kelly, Jr.', with a long horizontal flourish extending to the right.

Andrew D. Kelly, Jr.
Colonel, U.S. Army
District Commander

Copies Furnished:

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